

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ACHMAT AKKAD,

Plaintiff,

-against-

THE CITY OF NEW YORK, and FORMER  
COMMISSIONER LOREE SUTTON, in her individual  
capacity,

Defendants.  
----- x

**NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S  
COMPLAINT**

20 Civ. 4152 (AKH) (GWG)

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Defendants' Motion to the Complaint, and upon all the papers and proceedings previously had herein, Defendants the City of New York ("City") and Loree Sutton (collectively "Defendants") will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 14D, New York, New York, 10007, before the Honorable Alvin K. Hellerstein, United States District Judge, at a time and date to be designated by the Court, pursuant to Rule 12(b), dismissing Plaintiff's Complaint against Defendants in its entirety, with prejudice, on the grounds that: **(a)** Plaintiff's "Second" and "Third" Causes of Action pursuant to 42 U.S.C. § 1983 ("§ 1983") and the New York City Human Rights Law ("CHRL") are largely barred by the three-year statute of limitations for claims under those statutes; **(b)** Plaintiff fails to state a plausible claim of discrimination on the basis of his religion, disability, or military service pursuant to the CHRL and the Uniformed Services Employment and Reemployment Act ("USERRA"); and **(c)** Plaintiff fails to state a plausible claim for free speech retaliation under § 1983, the First Amendment, or Article I, Section 8 of the New York State Constitution, and fails to state a *Monell* claim against the City pursuant to § 1983.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1(b) of this Court, any opposing affidavits and answering memoranda shall be served by plaintiff within fourteen days after service of defendants' moving papers, and any reply affidavits and memoranda of law shall be served within seven days after service of plaintiff's answering papers.

Dated: Brooklyn, New York  
August 6, 2020

**JAMES E. JOHNSON**  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, Room 2-125  
New York, New York 10007  
(212) 356-1105

By:   
\_\_\_\_\_  
J. Kevin Shaffer  
Assistant Corporation Counsel

To: Law Offices of Deborah H. Karpatkin (by ECF)  
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No. 20 Civ. 4152 (AKH) (GWG)

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***JAMES E. JOHNSON***

*Corporation Counsel of the City of New York*

*Attorney for Defendants*

*100 Church Street, Room 2-125*

*New York, N.Y. 10007-2601*

*Of Counsel: J. Kevin Shaffer*

*Telephone: (212) 356-1105*

*Matter No.: 2020-022044*

*Due and timely service is hereby admitted.*

*Dated: New York, N.Y. .... 2020*

*Signed .....*

*Attorney for .....*